

## REMARKS

The comments of the Examiner as set forth in the Office Paper mailed 7 December 2006 have been carefully studied and reviewed.

5        Claims 1-32 are pending in the application.

      Claims 1-32 have been subjected to a restriction requirement.

### Election/Restriction

10        Restriction to one of the following inventions was required by the Examiner under 35 U.S.C. 121:

      I. Claims 1-8 and 29-32, drawn to a water proofing wax composition, classified in class 106, subclass 38+.

15        II. Claims 9-21, and 24, drawn to a method of treating gypsum wallboard to make it water resistant, classified in class 427, subclass 427.

      III. Claims 22-23, drawn to a gypsum wallboard, classified in class 52, subclass 443+.

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      IV. Claims 25-28, drawn to a method of making gypsum product and molding, classified in class 263, subclass 333.

25        The Examiner alleged that the inventions are distinct, each from the others, because they are classified into two distinct classifications, and thus each would require a different field of search.

      Applicants hereby make a provisional election, with traverse, to prosecute the invention of Group II (Claims 9-21 and 24).

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      Applicants respectfully submit that it would not be unduly burdensome to search the prior art for the inventions described in the various claims. Applicants note that this type of a search was done by the Examiner in the International Bureau of WIPO, in preparing the International Preliminary Examination Report ("IPER") for the international

patent application corresponding to the present pending application. A copy of the IPER is submitted herewith in an Information Disclosure Statement ("IDS"); the references cited in the IPER have been furnished in a previously filed IDS. Applicant therefore requests that the restriction requirement be withdrawn, and the claims of Group I, III and IV also be examined.

In the alternative, if all of these embodiments are patentably distinct as alleged, if the Examiner should find only one of the four in the prior art, the other embodiments are necessarily patentable. As noted in MPEP §802.01:

Related inventions are distinct if the inventions *as claimed* are not connected in at least one of design, operation or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and unobvious) OVER THE OTHER (though they may each be unpatentable over the prior art).

#### Claim Amendments

Claims 1,9 and 26 have been amended to correct the obvious typographical errors, in particular, the spelling of crambe.

Claim 9 has been amended to include a period at the end of the claim.

#### Conclusion

Applicant thanks the Examiner for his thoughtful review of this application, and respectfully requests the Examiner review the pending Claims and to find that they define patentable subject matter. Thus, it is respectfully requested that the present pending Claims be allowed.

In the event that this response does not place the application in condition for allowance, the Examiner is respectfully requested to telephone the undersigned in order that an attempt can be made to place the application in condition for allowance as expeditiously as possible.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

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